

### **REMARKS**

This Amendment is filed in response to the final Office Action mailed 27 July 2005. A Petition to Extend Time under 37 C.F.R. § 1.136(a) for two (2) months, up to and including December 13, 2004, is enclosed.

A Renewed Rule 78 Petition is entered under separate letter, on an even date herewith, under Certificate of Mailing, 37 C.F.R. 1.8(a). A courtesy copy of this Renewed Petition is enclosed.

Claims 1 and 3 are amended in response to the objection of the claims. No new matter is added.

### **Objection to Claims 1 and 3**

The Examiner objects to claims 1 and 3. This objection is traversed by amending claims 1 and 3, as shown in the Listing of the Claims. Withdrawal of this objection is respectfully requested.

### **Rejection of Various Claims under 35 U.S.C. § 102(b) or § 103(a)**

Several art-based rejections remain, as follows:

- (1) Rejection of Claims 1-3 and 7-10 under 35 U.S.C. § 102(b), as allegedly being anticipated by Montgomery et al (DNA and Cell Biology, Vol. 12, issue9, pages 777-783, 1993." (herein, "Montgomery");
- (2) Rejection of claims 1, 3, 7, 8, 10, 11 and 17 under 35 U.S.C. §103(a), as allegedly being unpatentable over Montgomery "in view of Felgner et al (US 5,580,859);
- (3) Rejection of claims 1-3, 7-10 and 17 under 35 U.S.C. §103(a), as allegedly being unpatentable over Montgomery "in view of Robinson et al (US 5,643,578).

Applicants respectfully note that claim 11 is cancelled. For pending claims 1-3, 7-10 and 17, Applicants respectfully take the position that withdrawal of the these various art-based rejections is proper, at the very least, upon granting of the Renewed Petition. Applicant reserves the right, if necessary, to revisit these issues in any future Amendment or continuing application. To this end, pending claims 1-3, 7-10 and 17 are in proper form for allowance. Early action to that end is earnestly solicited upon expected granting of the Renewed Petition under 37 C.F.R. §1.78(a)(3). The Examiner is invited to contact the undersigned attorney if clarification is required on any aspect of this response, or if any of the claims are considered to require further amendment to be placed in condition for allowance after entry of this Amendment.

Respectfully submitted,

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